

REMARKS

I. Status of the Application

Claims 1-4, 6, 8-10, 17, 19, 24, 29, 30, 37-40, 42-46, 49, 50, and 63-74 are pending in the above-identified application. Claims 1-4, 6, 8-10, 17, 19, 24, 29, 30, 37, 63, and 65-74 have herewith been amended and claims 75 has been added. The amendments to the claims and the newly added claims are supported by the application as filed. Accordingly, entry of the amendments and the newly added claims is respectfully requested.

Applicants have amended the claims to recite particular embodiments that Applicants, in their business judgment, have determined to be commercially desirable at this time. The claim amendments have not been submitted for any reason relating to patentability, such as to overcome any one or more of the Examiner's rejections. Indeed, Applicants believe that the Examiner has not established a prima facie showing to support the Examiner's rejections and, as such, Applicants reserve the right to pursue the subject matter of the previously presented, and of the previously or currently cancelled claims in one or more continuing applications.

II. Claim Rejections – 35 U.S.C. § 103

The Examiner rejected claims 1-2, 4, 6-10, 17, 19, 24, 29, 40, 42-46, 49-50, and 63-74 under 35 U.S.C. § 103(a) as being unpatentable over Tuck, U.S. patent No. 6,115,698 (hereinafter "Tuck"), in view of Robertson et al. European patent application No. 0 665 489 A2 (hereinafter "Robertson") and in further view of

Raykhman et al., U.S. patent No. 7,171,386 (hereinafter " Raykhman "). The Examiner rejected claims 3 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Tuck and Robertson and in further view of Raykhman and in further view Bates et al. U.S. patent No. 6,809,741 (hereinafter "Bates"). The Examiner rejected claims 30 and 46 under 35 U.S.C. § 103(a) as being unpatentable over Tuck and Robertson and in further view of Harrington et al. U.S. patent No. 6,161,099 (hereinafter "Harrington"). These as well as other rejections not specifically identified by the Examiner are respectfully traversed.

A. Independent Claims 1, 19, and 68

Claim 1 as amended recites:

displaying a first interface comprising at least one of a bid variable and an offer variable associated with trading an item, each variable selectable for submitting a trading command;

...

displaying a second interface in response to a selection of the at least one of the bid variable and the offer variable, the second interface comprising at least one alterable field for specifying a term of an order for the item...

Applicants submit that none of the cited references disclose or otherwise suggest displaying a first interface with a selectable bid or offer variable therein for submitting a trading command and in response to a selection of the bid or offer variable displaying a second interface with an alterable field therein for specifying a term of an order in accordance to claim 1. The Examiner asserts that Tuck teaches the first and second interface screens with reference to Figs. 21 and 22. Applicants disagree. Tuck does not display Fig. 22 in response to a selection of a trading variable in Fig. 21. Tuck notes at col. 10, lines 30-36 and the Examiner acknowledges that the user must press the Sell button for the confirmation dialog box

(Fig. 22) to appear. As there is this intermediate step between the selection of the offers in Fig. 21 and the display of Fig. 22, Fig. 22 is not displayed in response to the selection. Rather, Fig. 22 is displayed in response to depressing the Sell button in Fig. 21. Moreover, Fig. 22 does not include any alterable fields as recited in claim 1. Tuck does not allow the user to change any of the terms shown in the confirmation screen shown in Fig. 22; all that the user can do is confirm or cancel the action.

Claim 19 recites:

displaying a first interface comprising a plurality of trading variables associated with trading an item, the plurality of trading variables comprising at least two of a bid price, a bid size, an offer price, and an offer size, at least two of the trading variables each individually selectable for submitting a trading command different than another of the trading variables;

...

displaying a second interface in response to a selection of one of the trading variables, the second interface comprising:

at least one button for confirming the trading command being submitted,

an alterable price field, and

an alterable size field, wherein one of the bid price is posted in the price field with a selection of the bid price in the first interface, the bid size is posted in the size field with a selection of the bid size in the first interface, the offer price is posted in the price field with a selection of the offer price in the first interface, and the offer size is posted in the size field with a selection of the offer size in the first interface...

As noted above with regard to claim 1, none of the references cited by the Examiner disclose or otherwise suggest displaying a second interface screen in response to a selection of the trading variables and an alterable field therein, e.g., an alterable price field and an alterable size field, in accordance with claim 19. Moreover, the cited references further fail to disclose or suggest at least two of the

trading variables each individually selectable for submitting a trading command different than another of the trading variables, further in accordance with claim 19. The Examiner asserts with reference to Fig. 21 that Tuck discloses selectable trading variables. Applicants disagree. Items 180 in Fig. 21 are not selectable trading variables in the context of the present application. Tuck notes at col. 10, lines 28-30 that items 180 are orders. Fig. 21 and the relevant discussion thereof therefore indicate that the orders themselves are selectable; not the individual trading variables of the offers. Claim 19 has been amended further clarifying this distinction. As Tuck does not disclose individually selectable trading variables, Tuck does not disclose different trading commands submitted with the selection one over another of at least two of the trading variables.

Claim 68 includes similar limitations to claim 19 and is therefore patentable for at least the same reasons.

B. Independent Claim 37

Claim 37 recites:

posting the at least one trading variable from the first interface in the data entry field with a selection of the at least one button once;
and

submitting the trade command for execution in response to selection of the at least one button again.

None of the reference cited submitting a trade command for execution in response to selection of the at least one button again. The Examiner appears to have ignored the claimed functionality with the selection of the button a second time.

C. The Dependent Claims

The dependent claims are allowable for the same reasons as the claims from which they depend. Applicants submit that the dependent claims are patentable for additional reasons. For example:

Claim 3 as amended recites “the second interface screen comprising a plurality of buttons for confirming each of the plurality of different trading commands.” Tuck’s Fig. 2 includes only a single confirmation button.

Claim 4 as amended recites “wherein a first trading command is submitted with a selection of the bid price and a second trading command different than the first is submitted with a selection of the bid size.” As Tuck does not disclose individually selectable variables for submitting different trading commands, Tuck does not disclose different trading commands associated with a selection of a bid price and a bid size. Claims 5, 8-9, 11, 17, 24, 29-30, 63-65, 69-75 are similarly patentable over Tuck in that they recite specific individually selectable trading variables and specific trading commands associated with those variables.

D. Motivation to Combine References.

The Examiner has not cited any references for the motivations recited to combine the references. The Examiner has therefore failed to establish a prima facie case of obviousness in any of these claims. Applicants demand that the Examiner produce evidence for the proffered motivation if the rejections are to be maintained.

III. Conclusion

Applicants submit that the pending claims are patentable over the references cited by the Examiner. Accordingly, reconsideration and allowance of the pending claims are respectfully solicited.

It has been Applicants experience that certain Examiners focus their attention in Office Actions following a Reply to the Office Action only to the independent claims argued by Applicants in the Reply. Applicants request that the Examiner not limit the inquiry only to the independent claims. Rather, Applicants request that the Examiner consider all of the amendments and the newly added claims fully before rejecting any claim.

The Examiner is invited to contact the Applicants' undersigned representative at 212-829-5407 to expedite prosecution.

Respectfully submitted,

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Date

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